

REMARKS

The Restriction Requirement:

In the Office Action, the Examiner requires an election of a single invention from among the following three allegedly separate and distinct inventions:

Group I: Claims 1-20, 24-25, and 31-41, drawn to a kappa-2 carrageenan containing composition.

Group II: Claims 21-23, drawn to a method of making a film.

Group III: Claims 26-30, drawn to the method of making a capsule.

Election without Traverse:

Applicants elect for prosecution the claims in Group I, claims 1-20, 24-25, and 31-41, drawn to a kappa-2 carrageenan containing composition, without traverse.

Species Election Requirement:

In the Office Action, the Examiner also requires an election of a single disclosed species from among “the following disclosed patentably distinct species: compositions containing kappa-2 carrageenan.” (See, the Office Action, p.4). The Examiner then indicates that if Group I is elected in response to the Restriction Requirement, Applicants must elect either Species A (films) or Species B (fillable forms).

Species Election:

While it is unclear why an election is necessary if the Examiner has determined that the disclosed species are “compositions containing kappa-2 carrageenan,” since it would appear from the Examiner’s characterization that adequate search parameters covering the full breadth of the invention of Group I would not present an undue burden, in an effort to expedite prosecution, Applicants elect, solely for the purposes of providing the Examiner with further search criteria, Species B (fillable forms) where kappa-2 carrageenan is present in an amount of at least 0.5% by weight of the gel film, having a solids content of at least 50% by weight of the

gel film, where the encapsulated material comprises a nutritional/vitamin ingredient, and where a plasticizer may be present.

An early and favorable Office Action on the merits is respectfully requested.

Dated: November 15, 2007

Respectfully submitted,

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